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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Shinohara)	Art Unit: 2616
Serial No.: 09/898,422)	Examiner: Shibu
Filed: July 2, 2001)	50R4615
For: SYSTEM AND METHOD FOR LINKING DVD)	July 3, 2006
TEXT TO RECOMMENDED VIEWING)	750 B STREET, Suite 3120
)	San Diego, CA 92101
)	

REPLY BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

This Reply brief responds to the Examiner's Answer dated June 30, 2006. The examiner disagrees that DVDs do not typically contain EPGs by a seeming irrelevancy, namely, by noting that Mankovitz allows a user to select text in the context of a VCR and EPGs contain text. Appellant is puzzled as to how this supports the examiner's disagreement about DVDs.

The Answer continues to puzzle when it states that "the examiner disagrees" with Appellant that Mankovitz fails to teach DVDs or PVRs, and in support immediately contradicts itself: "Mankovitz does not teach DVDs". The examiner is correct - Mankovitz does not teach DVDs - and Appellant gratefully acknowledges the recognition. Unfortunately, Appellant cannot fathom the logic following the mutually exclusive statements in the Answer: that because "claim 1 does not recite the PVR as a separate unit from the DVD" then "therefore the cited [VCR] is built in the recorder and performs the function as claimed in

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the present application." How this somehow relates to Mankovitz failing to teach either a DVD or a PVR, much less both at once as observed in the Appeal Brief, escapes Appellant.

The Answer then attempts to justify the taking of official notice by decreeing that replacing a VCR with a DVD is something well known. But the claims are not directed to a DVD in a vacuum. The question remains, if Mankovitz' VCR is replaced by a DVD, then what suffices for the claimed PVR in Mankovitz?

As to Appellant's point that replacing a broadcast recorder like a VCR with a read-only DVD would not work in Mankovitz, the Examiner shifts ground, now alleging that the ROM of Mankovitz' processor could store programs. But she has not relied on the ROM (in fact, has not mentioned it before) in any rejection, much less has she addressed how it suffices in combination with other elements in Mankovitz to arrive at Claim 1.

The Answer fails to address Appellant's point that Claim 1 does not simply specify playing content from a DVD as alleged in the taking of official notice; it specifies allowing a user to select text from the DVD and then returning a viewing recommendation or scheduling a recording based on the selection. In fact, the Answer fails to venture beyond a mere perfunctory attempt to support the fatal flaw in the rejections, which is the promiscuous taking of official notice to fill in a plethora of shortcomings in the relied-upon references.

The Answer contradicts the rejection when it repeats the ground for rejection that the "database" of Claims 5 and 6 is the broadcast station but then on page 9 that the database is the element 48 of Killian. Which is it? This is no mere rhetorical question, because the claimed database is the thing that the PVR accesses to return recommendations or record programming based on a viewer-selected portion of text, while it is not clear which (or indeed whether any) "database" in the reference performs the claimed function.

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In the attempted rebuttal of Appellant's point that the profile 80 of Killian is downloaded from the Internet and run on the JAVA platform, not borne on a DVD as recited in Claim 12, and that consequently nothing in Killian remotely suggests recording or recommending content based on a user selecting text from a DVD or other player, the examiner disagrees by citing Killian, figure 3 and col. 10, line 61 to col. 11 line 21 and col. 7, lines 33-48.

Taking these parts of Killian *seriatim*, figure 3 shows the EPG applet 70 "that is downloaded from the Internet", col. 8, lines 5-8, precisely as pointed out by Appellant.

Col. 10, line 61-col. 11, line 21 discloses that the suggest module of the EPG applet accesses programming information and user profiles to suggest programming to the user from various channels in a time slot, and that a user can store "preferred" channels. There is no mention of a DVD, much less is there a suggestion to record or recommend content based on a user selecting text from a DVD or other player.

Col. 7, lines 33-48 discuss object-oriented programming concepts, and specifically data classes that allow various activities such as shopping, polling, learning, banking, etc. As with the other cited portions of Killian, there is no mention here of a DVD, much less is there a suggestion to record or recommend content based on a user selecting text from a DVD or other player.

Accordingly, it is believed that the Answer provides insufficient reason to affirm the rejections.

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Respectfully submitted,


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